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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MISAEL DIAZ-MARTINEZ,
aka "Jose Diaz,"
aka "Jose Martinez,"
aka "Jose Alberto Moran-Martinez,"

Defendant.

Case No. 2:25-mj-00373-DJA

**Stipulation to Extend Deadlines
to Conduct Preliminary Hearing and
File Indictment (First Request)**

25mj 373

IT IS HEREBY STIPULATED AND AGREED, by and between Sigal Chattah, United States Attorney, and Clay Plummer, Special Assistant United States Attorney, counsel for the United States of America, and Melisse Henderson, Assistant Federal Public Defender, counsel for Defendant JOSE MISAEL DIAZ-MARTINEZ that the Court schedule the preliminary hearing in this case for no earlier than 90 days from the date of the Defendant's initial appearance. The preliminary hearing is currently set for 2nd of June 2025, at 4 p.m. This request requires that the Court extend two deadlines: (1) that a

1 preliminary hearing be conducted within 14 days of a detained defendant's initial
2 appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed
3 within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

4 This stipulation is entered into for the following reasons:

5 1. The United States Attorney's Office has developed an early disposition
6 program for immigration cases, authorized by the Attorney General pursuant to the
7 PROTECT ACT of 2003, Pub. L. 108-21.

8 2. The early disposition program for immigration cases is designed to: (1) reduce
9 the number of hearings required in order to dispose of a criminal case; (2) avoid having
10 more cases added to the court's trial calendar, while still discharging the government's duty
11 to prosecute federal crimes; (3) reduce the amount of time between complaint and
12 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
13 indictments in immigration cases, which in turn reduces court costs.

14 3. The government has made a plea offer in this case that requires defendant to
15 waive specific rights and hearings in exchange for "fast-track" downward departure under
16 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
17 indicted and before a preliminary hearing is held.

18 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
19 preliminary hearing within a reasonable time, but no later than 14 days after the initial
20 appearance if the defendant is in custody"

21 5. However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a
22 showing of good cause—taking into account the public interest in the prompt disposition of
23 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
24 times"

1 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
2 information or indictment charging an individual with the commission of an offense shall be
3 filed within thirty days from the date on which such individual was arrested or served with a
4 summons in connection with such charges.”

5 7. Defendant needs additional time to review the discovery and investigate
6 potential defenses to make an informed decision as to how to proceed, including whether to
7 accept the fast-track plea agreement.

8 8. Accordingly, the parties jointly request that the Court schedule the
9 preliminary hearing in this case no sooner than 90 days from the Defendant’s initial
10 appearance.

11 9. Defendant is in custody and agrees to the extension of the 14-day deadline
12 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
13 § 3161(b), provided that the information or indictment is filed on or before the date ordered
14 pursuant to this stipulation.

15 10. The parties agree to the extension of that deadline.

16 11. This extension supports the public interest in the prompt disposition of
17 criminal cases by permitting defendant to consider entering into a plea agreement under the
18 United States Attorney’s Office’s fast-track program for § 1326 defendants.

19 12. Accordingly, the additional time requested by this stipulation is allowed
20 under Federal Rule of Criminal Procedure 5.1(d).

21 13. In addition, the parties stipulate and agree that the time between today and
22 the scheduled preliminary hearing is excludable in computing the time within which the
23 defendant must be indicted and the trial herein must commence pursuant to the Speedy
24

1 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
2 § 3161(h)(7)(B)(i) and (iv).


3 14. This is the first request for an extension of the deadlines by which to conduct
4 the preliminary hearing and to file an indictment.

5 DATED this 19th day of May, 2025.

6 Respectfully submitted,

7 RENE VALLADARES
Federal Public Defender

SIGAL CHATTAH
United States Attorney

8 /s/ 

/s/ Clay Plummer

9 Assistant Federal Public Defender
10 Counsel for Defendant
11 JOSE MISAEL DIAZ-MARTINEZ

CLAY A PLUMMER
Assistant United States Attorneys

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**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and File
Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on the 2nd day of June, 2025 at the hour of 4 p.m., be vacated and continued to September 2, 2025, at 4:00 p.m.

DATED this 21st day of May, 2025.


HONORABLE DANIEL J ALBRECHTS
UNITED STATES MAGISTRATE JUDGE